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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

REGINALD NEWMAN #111774,
Plaintiff

CIVIL DOCKET NO. 1:24-CV-00848
SEC P

VERSUS

JUDGE EDWARDS

DEPT OF CORRECTION,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

REPORT AND RECOMMENDATION

Before the Court is a civil rights Complaint under 42 U.S.C. § 1983 (ECF No. 11) filed by pro se Plaintiff Reginald Newman (“Newman”). Newman is incarcerated at the West Feliciana Detention Center in St. Francisville, Louisiana. He seeks monetary relief and a release from custody because he was attacked by other inmates.

Because Newman failed to comply with a Court Order (ECF No. 11), the Complaint should be DISMISSED WITHOUT PREJUDICE.

I. Background

Newman alleges that he was approached by two inmates while watching television at the Avoyelles Parish Jail. ECF No. 1 at 3. The inmates asked if Newman stole a drink, which Newman denied. *Id.* The two inmates began to hit Newman, and other inmates joined the assault. *Id.* Newman suffered a broken tooth and fractured nose. *Id.* at 4.

Newman was ordered to amend his Complaint to provide additional information to support his claims. ECF No. 11. To date, no amended complaint has been filed.

II. Law and Analysis

A district court may dismiss an action for a petitioner's failure to prosecute or to comply with any order. *See Fed. R. Civ. P. 41(b)*. The dismissal may occur upon the motion of the defendant or the Court's own motion. The authority to dismiss sua sponte is provided to "achieve the orderly and expeditious disposition of cases"; to "prevent undue delays"; and to "avoid congestion in the calendars of the District Courts." *Link v. Wabash Railroad Co.*, 370 U.S. 626, 629-31 (1962); *see also Morris v. Ocean Sys., Inc.*, 730 F.2d 248, 251 (5th Cir. 1984); *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980).

Newman was ordered to amend his Complaint by November 7, 2024. He has failed to comply with the Court's Order, and he has not requested an extension of time within which to comply. Therefore, the Complaint should be dismissed under Rule 41.

III. Conclusion

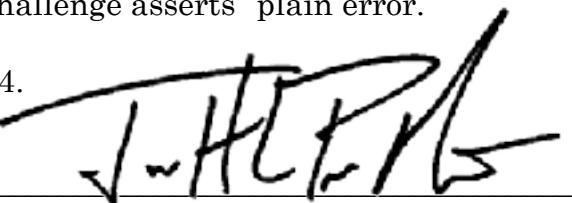
Because Newman has failed to comply with the Court's Order, IT IS RECOMMENDED that the Complaint (ECF No. 1) be DISMISSED WITHOUT PREJUDICE.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service,

unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party's objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party's failure to timely file written objections to this Report and Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts "plain error."

SIGNED on Friday, December 13, 2024.



JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE